



Village of Marine
 320 N Vernon St P.O. Box 136
 Marine, IL 62061
 Phone: 618-887-4531
 Website: villageofmarine.net
 Email: clerkofmarine@marineil.gov

UNCONDITIONAL AND FULL GENERAL RELEASE OF LIABILITY, WAIVER, DISCHARGE, AND COVENANT NOT TO SUE

This is a legally-binding UNCONDITIONAL AND FULL GENERAL RELEASE OF LIABILITY, WAIVER, DISCHARGE, AND COVENANT NOT TO SUE made by me, _____ (hereinafter referred to as Operator) to Village of Marine (hereinafter referred to as the Village).

I FULLY RECOGNIZE THAT THERE ARE DANGERS AND RISKS TO WHICH I MAY BE EXPOSED BY OPERATING A NON-HIGHWAY VEHICLE ON VILLAGE STREETS. THE FOLLOWING ARE DESCRIPTIONS AND/OR EXAMPLES OF SIGNIFICANT DANGERS AND RISKS ASSOCIATED WITH THIS ACTIVITY: INJURY TO MYSELF OR OTHERS, DAMAGE TO MY PROPERTY OR THAT OF OTHERS, DEATH OF MYSELF OR OTHERS.

IN NO EVENT SHALL THE VILLAGE BE LIABLE FOR DIRECT, INDIRECT, SPECIAL, INCIDENTAL OR CONSEQUENTIAL DAMAGES, WHETHER ARISING IN TORT, CONTRACT OR ANY OTHER LEGAL THEORY, IN CONNECTION WITH OR ARISING OUT OF OPERATOR'S USE OF NON-HIGHWAY VEHICLE ON VILLAGE STREETS.

THE OPERATOR, AS OF THE DATE BELOW, SHALL HEREINAFTER SAVE, HOLD HARMLESS AND INDEMNIFY THE VILLAGE AGAINST ANY AND ALL LIABILITY, CLAIMS, CAUSES OF ACTION, AND COSTS OF WHATSOEVER KIND AND NATURE INCLUDING, WITHOUT BEING LIMITED TO INJURY, DAMAGE, LOSS INCLUDING DEATH, RESULTING FROM ARISING OUT OF, OR OCCURRING IN CONNECTION WITH MY USE OF THIS NON-HIGHWAY VEHICLE ON VILLAGE STREETS.

I understand that the Village has an ordinance governing the use of qualified non-highway vehicles on Village streets and hereby agree to conform with all requirements of the Village ordinances at all times. I have had the opportunity to read said ordinance and the "Rules Regarding Non-Highway Vehicles" and my signature below acknowledges that I will comply with this ordinance and said rules as well as all of the applicable laws of the State of Illinois at all times when operating this vehicle on Village streets.

I, THEREFORE, AGREE TO ASSUME AND TAKE UPON MYSELF ALL OF THE RISKS AND RESPONSIBILITIES IN ANY WAY ASSOCIATED WITH THIS ACTIVITY. IN CONSIDERATION OF AND RETURN FOR THE OPPORTUNITY TO OPERATE A NON-HIGHWAY VEHICLE ON VILLAGE STREETS, I RELEASE THE VILLAGE (AND THE VILLAGE TRUSTEES, EMPLOYEES, AND AGENTS) FROM ANY AND ALL LIABILITY, CLAIMS, AND ACTIONS THAT MAY ARISE FROM INJURY OR CONNECTION WITH THIS ACTIVITY. I UNDERSTAND THAT THIS RELEASE ALSO COVERS LIABILITY, CLAIMS, AND ACTIONS CAUSED ENTIRELY OR IN PART BY ANY ACTS OR FAILURES TO ACT, INCLUDING BUT NOT LIMITED TO NEGLIGENCE, MISTAKE, OR FAILURE TO ENFORCE, SUPERVISE, OR MAINTAIN.

I assure the Village that there are no health-related reasons or problems which preclude or restrict my participation in this activity. I further assure the Village that I have adequate health and liability insurance necessary to provide for and pay any medical costs or property damage that may directly or indirectly result from my participation in this activity, and I will indemnify and hold the Village harmless for any such medical costs or property damage.

I understand that this release means I am giving up, among other things, rights to sue the Village, its Village Trustees, employees, and/or agents for injuries (including death), damages, or losses I may incur or cause. I also understand that this Release binds my heirs, executors, administrators, and assigns, as well as myself.

I HAVE READ THIS ENTIRE RELEASE, I FULLY UNDERSTAND IT, AND I AGREE TO BE LEGALLY BOUND BY IT.

WITNESSES:

Operator's Signature

Date: _____



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Rules Regarding Non-Highway Vehicles

1. Operator must have valid driver's license.
2. Vehicle must be inspected annually to insure that the vehicle is safe.
3. The applicant must provide evidence of insurance in compliance with the provisions of Illinois statutes as minimum liability insurance for passenger vehicles to be operated on the roads of the State of Illinois.
4. The Village of Marine may suspend or revoke a permit granted hereunder upon finding that the holder thereof has violated any of the provisions of Village ordinances or if there is evidence that the permittee cannot safely operate the motorized vehicle.
5. Persons violating any provisions of Village ordinances shall be guilty of a petty offense and shall be punished according to Village Ordinance.
6. Every person operating a non-highway vehicle pursuant to permit hereunder on designed Village streets has all the rights and duties applicable to a driver of any other vehicle pursuant to the State highway traffic laws and regulations except when those provisions cannot reasonably be applied to motorized vehicles.
7. Vehicles will not exceed posted speed limits.
8. Vehicles cannot be operated on Village sidewalks or in parks other than parking lots.
9. Non-highway vehicles cannot be operated on streets and highways owned and operated by the State of Illinois Department of Transportation or the Madison County Highway Department.
10. Operators of non-highway vehicles must obtain a permit annually due May 1st. Permit must be displayed on the center of the slow moving emblem.
11. All non-highway vehicles must be equipped with the equipment listed in the Village Ordinance #718.

ORDINANCE NO. 718

THE VILLAGE OF MARINE, ILLINOIS

**AN ORDINANCE PERMITTING THE USE OF
NON-HIGHWAY VEHICLES ON STREETS AND ROADS
WITHIN THE JURISDICTION OF THE VILLAGE
OF MARINE, ILLINOIS**

THAT WHEREAS, the Village of Marine has considered the volume, speed, and character of the traffic on the streets within its jurisdiction and has determined that, subject to the conditions stated herein and the provisions of 625 ILCS 5/11-1426.1, qualified non-highway vehicles, as defined herein, may safely operate on designated streets within the jurisdiction of the Village; and

WHEREAS, the Section 11-1426.1 of the Illinois Motor Vehicle Code (625 ILCS 5/11-1426.1) authorizes municipalities, by ordinance, to permit qualified non-highway vehicles to operate upon the streets under the jurisdiction of the municipality; and

WHEREAS, the Village of Marine shall amend Marine Municipal Code Sections 24-2-9 and 24-5-1 to allow non-highway vehicles on village streets.

NOW THEREFORE, BE IT HEREBY ORDAINED, by the Mayor and Village Board of Trustees of the Village of Marine, as follows:

Section 1. Pursuant to and as is consistent with Section 5/11-1426.1 of the Illinois Motor Vehicle Code, certain non-highway vehicles, not specifically designed to be used on a public highway, as hereinafter qualified and defined, shall be allowed and may be operated on the village streets and roads in the Village of Marine under the terms and conditions hereinafter set forth.

Section 2. – DEFINITIONS

- a. **“GOLF CARTS”** – as defined by Section 1-123.9 of the Illinois Motor Vehicle Code.
- b. **“RECREATIONAL OFF-HIGHWAY VEHICLE”**- as defined by Section 1-168.8 of the Illinois Motor Vehicle Code.
- c. **“ALL-TERRAIN VEHICLE”** – as defined by Section 1-101.8 of the Illinois Motor Vehicle Code.
- d. **“OFF-HIGHWAY MOTORCYCLE”** – as defined by Section 1-153.1 of the Illinois Motor Vehicle Code.
- e. **“VILLAGE STREETS”**- means any of the public streets and improved alleys within the municipal limits of the Village of Marine, Illinois.

Section 3 – REQUIREMENTS. All persons who operate non-highway vehicles as defined herein, on Village streets, must strictly comply with the following requirements:

- a. Proof of current liability insurance, meeting all of the mandatory insurance requirements under Article VI of Chapter 7 of the Illinois Motor Vehicle Code;
- b. An operating/fully-functional muffler on gasoline-powered vehicles which allows for the operation of said vehicle within the Village at a decibel level which is acceptable to the Chief of Police or his/her designate;
- c. Be certified as having met all Village requirements after an inspection by the Chief of Police or his/her designate;
- d. Must display current village decal in the center of the “Slow Moving” Emblem on the rear of the vehicle;
- e. Must have a current, valid Driver’s License issued by the State of Illinois or some other foreign jurisdiction; and
- f. Must be a minimum of 16 years of age;

Section 4 – RULES. All persons wishing to operate a non-highway vehicle as defined herein, on Village streets, must ensure compliance with the following rules:

- a. Must obey all traffic laws of the State of Illinois and the Village of Marine;
- b. May only be operated on Village streets, except where prohibited;
- c. May not be operated on Illinois Route 143 and North/South Duncan Street;
- d. May only be operated on Village streets which have a posted speed limit of thirty-five miles per hour (35 MPH) or less;
- e. Any person who is operating or in actual physical control of a non-highway vehicle (as defined herein) on a Village street while under the influence of alcohol, drugs or a combination thereof shall be subject to Sections 11-500 through 11-502 of the Illinois Motor Vehicle Act (625 ILCS 5/11-500 through 5/11-502).

- f. Non-highway vehicles shall not be operated on sidewalks or in Village parks, other than parking areas;
- g. Non-highway vehicles may not be operated on any streets, highways and/or roads under the jurisdiction of the Illinois Department of Transportation or the Madison County Highway Department, except as may be allowed pursuant to the various provisions of Section 5/11-1426.1 of the Illinois Motor Vehicle Code;
- h. All operators of a non-highway vehicle shall adhere to the child restraint laws pursuant to the Illinois Compiled Statutes;
- i. All operators of and passengers in a non-highway vehicle shall ride in a sitting position and if said vehicle was manufactured with seatbelts attached and/or affixed thereto, wearing a seatbelt while the vehicle is in motion; and
- j. All operators shall not operate a non-highway vehicle in excess of the posted speed limit.
- k. When operated on a designated roadway, a non-highway vehicle shall have its head lamps and tail lamps lighted at all times, as required by Section 12-201 of the Illinois Motor Vehicle Code.

Section 5 – PERMITS

- a. No person shall operate a qualified non-highway vehicle without first obtaining a permit from the Village Clerk as provided herein. Permits shall be granted for ONE (1) YEAR and shall be renewed annually on May 1st of each and every successive year. The cost of the permit shall be FIFTY DOLLARS (\$50.00) or as otherwise established by the Village Board of Trustees, which permit fee shall not be prorated if purchased after May 1st. Insurance coverage shall be verified by the Chief of Police or his/her designate prior to issuing or renewing a permit.
- b. Every application for a permit shall be made on a form supplied by the Village, which shall contain the following information:
 - i. Name and address of the applicant;
 - ii. Name of liability insurance carrier as required for passenger motor vehicles by the State of Illinois;
 - iii. Serial number, year, make, model and description of the non-highway vehicle as defined herein; and
 - iv. Photocopy of applicable liability insurance coverage specifically for the vehicle to be operated pursuant to the permit;
 - v. Photocopy of the operator's current driver's license; and

- vi. Such other information as the City may require.
- c. No permit shall be granted unless the following conditions are met:
 - i. The vehicle must be inspected by the Chief of Police or his/her designee to insure that the vehicle is safe to operate on Village streets and is in full compliance with this Ordinance;
 - ii. Any physically-handicapped applicant, as determined pursuant to the sole discretion of the Chief of Police, must submit a certificate signed by a licensed physician in good standing, certifying that the applicant is able to safely operate a qualified neighborhood or utility terrain vehicle on Village streets; and
 - iii. The applicant must provide evidence of insurance in compliance with the provisions of the Illinois Compiled Statutes regarding mandatory minimum liability insurance for passenger motor vehicles to be operated on the roads of the State of Illinois.
- d. The Village may suspend or revoke any permit previously granted hereunder upon a finding that the holder thereof has violated any provision of this Ordinance or that the permittee cannot safely operate a qualified non-highway vehicle pursuant to the terms, conditions and requirements of this Ordinance.

Section 6 – VEHICLE IDENTIFICATION and REQUIREMENTS

- a. Any vehicle approved and permitted by the Village of Marine shall be identifiable by a City-issued sticker.
- b. Each non-highway vehicle must be equipped with the following:
 - i. Brakes and Brake Lights;
 - ii. Horn;
 - iii. A slow-moving emblem in the (as required of other vehicles in Section 12-709 of the Illinois Motor Vehicle Code) on the rear of the non-highway vehicle;
 - iv. A headlight that emits a visible white light which may be seen from a minimum distance of 500 feet to the front;
 - v. A tail lamp that emits a visible red light which may be seen from a minimum of 100 feet from the rear;
 - vi. Any additional requirements which may be amended to 65 ILCS 5/11-1426.1 or the Illinois Motor Vehicle Code; and

Section 7 – VIOLATIONS

- a. Any vehicle authorized for use on Village streets by the passage of this Ordinance shall be subject to all local and state laws that GENERALLY apply to vehicles under the Illinois Motor Vehicle Code and any violation

of said laws will result in the operator of said vehicle being eligible for criminal prosecution pursuant to the laws contained in said Motor Vehicle Code.

- b. The Village may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any provision of this ordinance. Failure to abide by all provisions of this ordinance shall result in a violation of a Village ordinance fine.

Section 8 – EFFECTIVE DATE

- a. This Ordinance shall take full force and effect within 15 days after passage by the Village of Marine Board of Trustees.

PASSED and ADOPTED this 19th day of August, 2015.

RECORD OF VOTE:

YEA

NAY

STEVEN BARTLETT

WILLIAM FERRIS

TERRY GERGEN

JIM MEADOWS

RAE LYNNE MEYER

JOHN USHER

John Molitor – Mayor

ATTEST:

KALA STRAUBE, Village Clerk